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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,103	11/27/2001	Phillip Kent Freyman	PD05982AM	3642
22917	7590	11/04/2004	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			PERVEEN, REHANA	
			ART UNIT	PAPER NUMBER
			2116	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/997,103

Applicant(s)

FREYMAN ET AL.

Examiner

Rehana Perveen

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) *
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Ewing et al, Patent No. 5,949,974.

As to claim 18, Ewing et al teach reading one or more power supply status signals from a primary power supply and a backup power supply, determining from the power supply status signals whether the backup power supply is in one or more predefined alarm states, returning to reading step when the determination indicates the backup power supply is not in any of the predefined alarm states, and providing a communication to the client device when the determination indicates the backup power supply is in one or more of the predefined alarm states (col. 4 lines 20-50 and col. 5 lines 38-64).

As to claim 19, Ewing et al teach displaying, on a user interface coupled to a client device by the client device, an indication that the backup power supply is in one or more of the predetermined alarm states (col. 2 lines 33-50).

As to claims 20-22, Ewing et al teach one of the predetermined alarm states is the state of the backup power supply supplying power to an access device, the backup power supply has a reserve capacity, one of the predetermined alarm states is the state of the reserve power being equal to or less than a predefined low reserve power level, and one of the predetermined alarm states is the state of the reserve power capacity being equal to or less than a predefined non-operational reserve power level (col. 2 lines 33-50).

Claims 1-17 and 23-31 are directed to the system implementing the method of claims 18-22. Ewing et al teach the method as set forth in claims 18-22. Therefore, Ewing et al also teach the system as set forth in claims 1-17 and 23-31.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark, Patent No. 6,678,528, in view of Pugh et al, Patent No. 5,414,754.

As to claim 48, Clark teaches delivering messages in a communication network (PSTN network) including an access unit (Service Node 70), the access unit including a storage unit (SMSC 70), the access unit coupled to at least one user device, receiving a message from the communication network by the access unit, storing the received message in the storage unit, detecting a state of a user device by the access unit, and providing the received message to the user device in response to the detection of the state (col. 5 line 32 – col. 6 line 49 and col. 7 lines 38-57).

However, Clark does not expressly teach the detection state being an off-hook state. Pugh et al teach detecting an off-hook state of a user device and providing a received message to the user device in response to the detection of the off-hook state (col. 6 lines 8-19).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Clark and Pugh et al because both are commonly directed to the telephony network environment, and Pugh et al's providing the received message in case of off-hook state detection, when incorporated into Clark, would have enabled Clark to achieve added proactive service thus increasing overall system efficiency.

Claims 32-47 are directed to the system implementing the method of claim 48. Clark and Pugh et al, in combination, teach the method as set forth in claim 48.

Therefore, Clark and Pugh et al, in combination, also teach the system as set forth in claims 32-47.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rehana Perveen whose telephone number is 571-272-3676. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 571-272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rehana Perveen
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